

CHAPTER X

ENFORCEMENT OF CRIMINAL LAWS IN CEDED TERRITORY

68. State courts may not enforce criminal laws in ceded territory if Federal jurisdiction exclusive.—Criminal laws of a State may not be enforced by State courts within territory over which the State has ceded exclusive jurisdiction to the United States.

Congress has adopted a comprehensive system of criminal laws applicable to all Federal territory within the borders of a State over which exclusive jurisdiction may be exercised by the United States. There are numerous Federal statutes of general application throughout the United States which have been enacted by Congress as a means of accomplishing powers expressly delegated to the National Government by the Constitution and concerning which State courts have no jurisdiction, such for instance, as laws relating to currency and coinage, the postal service, interstate and foreign commerce, the internal revenue, espionage, sabotage, slave trade, peonage, etc. There are also numerous special Federal enactments covering a variety of offenses which are applicable only in certain places, including places over which the United States has the power of exclusive or concurrent jurisdiction.¹

Notwithstanding the unquestioned power of Congress to legislate as it may please, within constitutional limits, with respect to areas over which the United States has exclusive jurisdiction, the need was recognized at an early period in our Government's history for a system of criminal laws to be applied within Federal areas in harmony with the laws of the State within which such areas are situated. Accordingly, in 1825, Congress enacted what has come to be known as the first Assimilative Crimes Act,² which provided that any offense committed within any fort, dockyard, navy yard, arsenal, armory or magazine or within the site of any lighthouse or other needful building, jurisdiction over which had been ceded to the United States, shall be punishable in the same manner as provided for by the law of the State within which said place may be located. Concerning the scope and purpose of this act, the Supreme Court of the United States later said, "Congress in adopting it, sedulously considered the two-fold character of our constitutional government and had in view the enlightened purpose so far as the punishment of crime was concerned, to interfere as little as might be with the authority of the States on that subject over all territory situated within their

¹ U. S. Code, title 18, secs. 451 to 468 inc., and secs. 511 to 523, inc. (Criminal Code, secs. 272 to 289 inc., and secs. 311 to 322 inc.). See also secs. 25, 59, 117b, 126, 169, 198b, 204b of Title 16, U. S. Code.

² Act of Congress, March 3, 1825; 4 Stat. 115.